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Chairman : Mr. Belinga-Eboutou ..... (Cameroon)

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The meeting was called to order at 3.30 p.m.

Agenda item 113: Promotion and protection of the rights of the child *(continued)* (A/C.3/58/L 83)

Draft resolution A/C.3/58/L.83

1. **Mr. Begg** (New Zealand), speaking on behalf of Argentina, Brazil, Canada, Chile, the Czech Republic, Ecuador, El Salvador, Fiji, Guatemala, Liechtenstein, Mexico, New Zealand, Norway, Paraguay, Peru, Switzerland and Uruguay, expressed regret at having to submit a number of amendments to draft resolution A/C.3/58/L.23/Rev.1. Even though the countries for which he spoke supported its essence and shared its sponsors' conviction that parents played a crucial role in the development and well-being of children, they believed that the revised draft had failed to include some ideas which those countries, as States Parties to the relevant international instruments, considered vital.

2. The problem lay mainly in what was not mentioned in the draft resolution. Its first disquieting feature was the reluctance in the endorsement of the Convention on the Rights of the Child, which all the countries sponsoring the amendments had ratified. Since that Convention was the source of binding provisions relating to the role of parents, reaffirming the Convention should not cause any problems. The proposed amendments in that regard arose from the resolutions on the rights of the child that had been adopted year after year (amendment 3 had been taken from the second preambular paragraph of resolution 57/190).

3. A second essential element that would have to be reflected was the recognition that the family was the basic unit of society and the fact that more than one form of the family existed. Instead of using the usual formulation, the draft resolution made reference, in language never used before, to the "unique" role of parents. Moreover, the title used only the word "parents" and omitted the usual wording, which included legal guardians and other persons caregivers, that had been used in the document adopted during the Special Session on Children, entitled A World Fit for Children. That gave the impression that legal guardians and other persons such as aunts, uncles or grandparents had no role in raising children and that the only acceptable form of the family was the nuclear family, when the ability of the members of the extended family to share in the upbringing of the child was of fundamental importance.

4. Accordingly, the delegations for which he spoke sought to include in the resolution an agreed text that would correct that deficiency. Thus, the amended text would reproduce the formulation agreed upon in the document A World Fit for Children. Amendment 1 brought the title into line with the usual formulation used in that document, and amendment 3 used its paragraph 15. The amendments had also used the text of the Convention on the Rights of the Child, and amendment 4 quoted from the Convention's article 5. Consequently, there should be no problem in accepting the amendments formulated for the draft resolution in question.

5. Lastly, the draft resolution mentioned in two places the specific rights of parents, without mentioning the corresponding rights of children. In all the documents that dealt with the rights of the child, an attempt was made to strike a balance between the rights of parents and the rights of children, and therefore the former should not be separated or given priority. Thus, the amendments being proposed referred to those rights and used language identical with that of the Convention on the Rights of the Child; amendment 5 was taken from article 28 of the Convention, and amendment 6 quoted its article 14. The sponsors of thethe Convention, and amendment 6 quoted its article 14. The sponsors of the amendments hoped that all delegations would support them, since they were constructive and based on language agreed upon and adopted in the past. In that way the resolution would be in conformity with the treaty obligations of States and could be adopted by consensus.

6. **Ms. Elisha** (Benin), said that the draft resolution had been the result of arduous negotiations in which 11 paragraphs not desired by the sponsored had finally been included, and therefore the reproach of the New Zealand delegation was not a valid argument. The rights of the child were already mentioned in the first part of the preamble, and the legal guardians and other caregivers had been taken into consideration and recognized in each paragraph of both the preamble and the operative part. Moreover, all the amendments submitted were included in the text of the draft resolution, and it had already been stated at the

relevant time that there was room for certain concessions concerning some of the amendments. It was truly regrettable, therefore, that amendments were being submitted at the present time. She hoped that the debate could continue until the Committee took a decision.

Agenda item 110: Advancement of women
(continued) (A/C.3/58/L.22/Rev.1)

7. **The Chairman** invited the Committee to take action on draft resolution A/C.3/58/L.22/Rev.1 and stated that there were no programme budget implications..

8. **Mr. Van Den Berg** (Netherlands) said that his Government, acting on behalf of more than 50 sponsors, had submitted draft resolution A/C.3/58/L.22, which dealt with all forms of violence against women in an integral and comprehensive manner. His Government attached great importance to the revitalization of the General Assembly and therefore believed that resolutions should be fewer in number but more significant and action-oriented. Instead of submitting the same resolutions year after year, an attempt should be made to find more innovative ways of responding to current problems. The draft resolution on all forms of violence against women could have contributed to the process of revitalization and would have created a new framework for the General Assembly to formulate the measures to be adopted in that sphere. It was unfortunate that, in spite of lengthy negotiations, no consensus had been reached on the draft resolution, which affected some three billion persons. Its adoption would have been a demonstration of the General Assembly's commitment, and its importance was determined by the substantive subjects it dealt with, not only by its methods of work. The in-depth study by the Secretariat would provide the statistics and perspectives necessary to enable the General Assembly to define at its sixtieth session the measures that should be adopted in order to eliminate all forms of violence against women.

9. The Netherlands had decided to revise draft resolution A/C.3/58/L.22 and submit a more limited resolution on domestic violence against women (A/C.3/58/L.22/Rev.1), which was the most frequent form of violence against women. A number of amendments had been made in the revised draft in order to accommodate the concerns of delegations.

10. **Mr. Hof** (Netherlands) listed those amendments: in the fourth preambular paragraph the word "relevant" had been inserted between the words "previous" and " resolutions"; in the fifth preambular paragraph the words "and girls" had been added after "against women"; in the eighth preambular paragraph the words "psychological, social and economic development" had been deleted, and the words "individuals, families, communities and States" had been replaced with the words "individuals and families"; between the eighth and ninth preambular paragraphs there had been added a new paragraph reading as follows: "Recognizing also the implications of domestic violence for the social and economic development of communities and States",in the ninth preambular paragraph the words "their effective participation in decision-making and policy-making processes" had been replaced with the words "their economic independence"; in paragraph 2 (c) the words "including the United Nations Children's Fund and the United Nations Population Fund," had been added after the words "United Nations bodies, funds and programmes,"; in paragraph 3 the words "all forms of violence" had been replaced with the words "all forms of domestic violence", the words "within the general community" had been deleted, and the words "and where perpetrated or condoned by the State" had been replaced with the words "including where condoned by the State"; in paragraph 4 (a) the words "such violence" had been replaced with the words "domestic violence"; in paragraph 7 (b) the words "sexual violence within marriage" had been replaced with the words "domestic sexual violence"; in paragraph 7 (e) the word "partners" had been replaced with the word "spouses"; in paragraph 10 (b) the clause ", and notes in this regard the relevance of general recommendation 19 of the Committee on the Elimination of Discrimination against Women" had been deleted. His delegation hoped that the Third Committee would adopt the draft resolution by consensus.

11. In addition to the 58 delegations listed in the draft resolution, the following delegations had decided to join the sponsors: Andorra, Armenia, Australia, Benin, Bolivia, Bosnia and Herzegovina, Cameroon, Congo, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Estonia, Georgia, India, Indonesia, Israel, Japan, Lesotho, Liechtenstein, Madagascar, Mauritius, Mongolia, Namibia, Nepal, Nicaragua, the Republic of Korea, Rwanda, Swaziland, Thailand, Timor-Leste, Togo, Uruguay, Venezuela.

12. *Draft resolution A/C.3/58/L.22/Rev.1 was adopted.*

13. **Ms. Cortery** (United States of America) said that she had joined in the consensus on the resolution in order to eliminate a problem for which there was no room in civilized society. In paragraph 7 (o) of the resolution States were urged to consider, as a matter of priority, the possibility of becoming parties to the Convention on the Elimination of All Forms of Discrimination against Women. The United States supported the general objective of the Convention and was committed to promoting the human rights and fundamental freedoms of women everywhere in the world. Countries should regard as a question of policy the form in which the principles of the Convention and the recommendations of the Third Committee could affect the economic, social and political opportunities of women in their societies.

14. The United States was studying the question of ratifying the Convention and a number of problems relating to the text and background of the committees established under it. Consequently the fact that her delegation had joined in the consensus should not be regarded as a change in United States policy with regard to the Convention.

15. **Mr. Alaei** (Islamic Republic of Iran) said that while his delegation had supported the draft resolution, it maintained its position with regard to paragraph 7 (n) because that paragraph failed to express satisfactorily the true reasons why some States evaded their obligations in the matter. Not all the causes or sources of violence against women arose from the invoking of customs, traditions or religious considerations. In the Beijing Declaration and Platform for Action, the documents subsequently adopted and the reports of the former Special Rapporteur it was clearly stated that prostitution, pornography and the utilization of women as sexual objects were obvious forms of violence. Even so, some States invoked freedom of expression to justify the promotion of those pernicious manifestations and the related market demand in their own countries, thus strengthening and promoting trafficking in women and the sexual exploitation of women. Thus, paragraph 7 (n) was selective and incorrect in its focus on the possible pretexts used for justifying violence against women. Iran therefore reserved the right to return to the position it had always held when the resolution was considered again in the General Assembly or in other United Nations forums dealing with the matter.

16. **Mr. Faati** (Gambia) stressed the importance of the resolution. Although the use of certain terminology caused him some concern, he also expressed his satisfaction at the fact that some of the questions raised had been taken into consideration.

17. **Ms. Mariam** (Ethiopia) said that her delegation was joining the sponsors of the draft resolution.

18. **Ms. Ahmed** (Sudan) said that her delegation joined in supporting the initiatives relating to the elimination of all forms of violence against women, including domestic violence. It was grateful to the Netherlands for having taken into consideration some of its concerns with regard to the resolution, and although troubled by the fact that certain paragraphs had been retained /?/, it had joined in the consensus because the Sudan was profoundly committed to the process. She referred in particular to the eighth preambular paragraph, which dealt with a single aspect of women's health, namely sexual and reproductive health, even though the context of domestic violence and violence in general should refer to all aspects of women's health, including physical and mental health. It was unfortunate that her proposal had not been taken into consideration, since the important thing was the health of women in general, especially in developing countries and more particularly in Africa.

19. Another cause for concern was paragraph 7 (n), since she did not believe that custom, tradition or religious considerations should be the only factors that needed to be dealt with in the context of violence against women. There were other considerations, such as freedom of expression or certain types of legislation, that would have to be taken into account.

20. **Ms. Alhajali** (Syrian Arab Republic) said that she had joined in the consensus because of the importance of the resolution in eliminating violence against women. However, her delegation joined those of the Sudan and Iran with regard to paragraph 7 (n), since it believed that it was not balanced, especially if the present changes were taken into account. Consequently she reserved the right to return to that paragraph when it was considered by the Committee at the next session.

21. **Ms. Gunnarsdottir** (Iceland) speaking on behalf of Denmark, Finland, Iceland, Norway and Sweden,

expressed a firm commitment to the work done to achieve the empowerment of women and their full enjoyment of human rights and fundamental freedoms. The Nordic countries welcomed the adoption of the resolution on the elimination of domestic violence against women and hoped that it would strengthen the efforts to eliminate violence against women in general all over the world. In that context, it was necessary to strengthen the right of women to have control and the power of free decision on questions relating to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. It was alarming that some countries still refused to recognize that sexual violence could exist within marriage. The Nordic countries reaffirmed their understanding that marital rape and other types of sexual violence within marriage were included in paragraph 7 (b) of the resolution, in which States were called upon to make such violence and any type of violence against women a criminal offence and to ensure proper investigation and prosecution of perpetrators.

The meeting rose at 4.20 p.m.